

**C. REMARKS**

This Reply is in response to the Office Action mailed on August 5, 2003 in which claims 1-18 and 44-50 were rejected. With this Reply, claims 1, 13 and 44 are amended. Claims 1-18 and 44-50 are presented by the Applicants for reconsideration and allowance.

1. *REJECTION OF CLAIMS 1-18 AND 44-50 UNDER 35 U.S.C. § 103(a)  
AS BEING UNPATENTABLE OVER VINCENT ET AL.*

Section 1 of the Office Action rejected claims 1-18 and 44-50 under 35 U.S.C. § 103(a) as being unpatentable over Vincent et al. (U.S. Patent No. 6,592,468). Claims 1, 13 and 44 are independent claims, and claims 2-12, 14-18 and 45-50 depend from claims 1, 13 and 44, respectively.

Independent claims 1, 13 and 44 describe the following structure. Independent claim 1, as amended, recites a golf club head including a front wall, a sole portion and a resilient insert assembly. The front wall includes a rearwardly sloped front strike side and a rear side. The rear side has an upper region and a lower region which are generally coplanar with respect to each other. The sole portion rearwardly extends from the lower region of the rear side. The rear side and the sole portion define a forwardly extending cavity and a non-through sole portion recess. The recess downwardly extends into the sole portion and interconnects with the cavity. The insert assembly is positioned in and substantially fills the recess. The insert assembly is coupled to at least the sole portion or the lower region of the rear side. The upper region of the rear side is generally uncovered. The insert assembly is fabricated of at least one material. The material has a durometer of between 20 on a Shore A hardness scale and 75 on a Shore D hardness scale.

Independent claim 13, as amended, recites a golf club head including a front wall, a sole portion, a first insert and a second insert. The front wall includes a rearwardly

sloped front strike side and a rear side. The rear side has an upper region and a lower region which are generally coplanar with respect to each other. The sole portion rearwardly extends from a lower region of the rear side. The sole portion has a lower surface that is substantially entirely continuous. The rear side and the sole portion define a forwardly extending cavity and a recess. The recess is interconnected with the cavity and downwardly extends into the sole portion. The first and second inserts are positioned only in, and collectively substantially fill, the recess. At least one of the first and second inserts is attached to at least one of the sole portion and the lower region of the rear side. The first and second inserts are made of first and second elastomeric materials, respectively.

Independent claim 44, as amended, recites a golf club head including a front wall, a sole portion and a resilient insert assembly. The front wall includes a rearwardly sloped front strike side and a rear side, wherein the rear side has an upper region and a lower region which are generally coplanar with respect to each other. The sole portion rearwardly extends from the lower region of the rear side. The sole portion includes an upwardly extending rear wall. The rear side defines a forwardly extending cavity. The lower region of the rear side, the rear wall of the sole portion and the sole portion define a non-through sole portion recess. The recess is interconnected with the cavity and is open only in an upward direction. The resilient insert assembly is positioned in and substantially fills the recess. The insert assembly is coupled to at least one of the sole portion and the lower region of the rear side. The upper region of the rear side is generally uncovered.

It is respectfully submitted that claims 1, 13 and 44, as amended, are patentable over Vincent et al. because Vincent et al. does not teach, suggest or disclose the combination of elements and limitations of either independent claims 1, 13 or 44. In particular, Vincent et al. does not teach, suggest or disclose a golf club head including a front wall with a rear side, wherein the rear side has an upper region and a lower region which are generally coplanar with respect to each other. Further, with respect to claims 1 and 44, as amended, Vincent et al. does not teach, suggest or disclose a golf club head having a front wall and a sole portion

wherein the lower region of the rear side of the front wall and the sole portion define a forwardly extending cavity and a non-through sole portion recess. Additionally, with respect to claim 13, Vincent et al. does not teach, suggest or disclose a golf club head including a front wall and a sole portion, wherein the sole portion has a downwardly extending recess and a lower surface that is substantially entirely continuous.

In contrast to limitations of claims 1, 13 and 44, as amended, Vincent et al. discloses a golf club head including a body having a front striking face and a perimeter having a heel, a toe, a sole and a hosel. The body also has a rear cavity wall that forms the upper back side of the striking face, which is substantially parallel to the striking face. The sole has a lower surface and a slot upwardly extending into the sole from the lower surface. In one embodiment, the slot within the sole includes a plurality of cylindrical apertures for receiving an insert assembly comprised of a plurality of cylindrical cells.

In a second embodiment, the slot extends from the lower surface of the sole upward, and entirely through the thickness of the sole. The through-sole slot of the second embodiment is defined in the sole by forward, rearward and side slot walls. The forward slot wall defines a first plane. The through sole slot and the forward slot wall are positioned such that the first plane, defined by a forward slot wall of the through-sole slot, is rearward of, and not coplanar with, a second plane defined by the rear cavity wall. The first and second planes defined by the forward slot wall and the rear cavity wall of the second embodiment of Vincent et al. are spaced apart from each other. As such, the thickness of the body between the forward slot wall and a lower portion of the front strike face is significantly greater than the thickness of the body at a location between the rear cavity wall and an upper portion of the front strike face.

The second embodiment also includes a cartridge formed of a substrate having interstices which may be filled with a polymer. The cartridge is used in place of the insert assembly formed of cylindrical cells. The substrate is formed of bronze, other metals or other

materials of comparable durability and ductility. The cartridge is upwardly inserted into the club head through the slot formed in the lower surface of the sole. The cartridge also includes a cartridge sole that fills the opening in the lower surface of the sole formed by the slot.

In a third embodiment of Vincent et al., the club head is configured to be substantially the same as the club head configuration of the second embodiment, including the through-sole slot and the forward wall of the through sole slot defining the first plane that is spaced apart from the second plane defined by the rear cavity wall. The insert assembly of the third embodiment includes a sleeve, which is positioned proximate to, and folds over, the cartridge. The cartridge includes a cartridge sole that files the lower portion of the slot.

Vincent et al. does not disclose, teach or suggest a club head having a front wall and a sole portion, wherein a non-through sole portion recess downwardly extends into the sole and a rear side of the front wall of the clubhead includes upper and lower regions that are substantially coplanar. The coplanar configuration of the upper and lower regions of the club head of the present invention enables a greater portion of the front wall of the club head to have more uniform lower thickness, and therefore more consistent performance and feel across a greater portion of the club head. This consistent reduced thickness of the front wall of the club head of the present invention provided by the coplanar upper and lower regions of the rear side of the front wall increases the coefficient of restitution of the club head, thereby enabling the club head to propel a ball further upon impact than a club head having a lower portion of the front wall of the club head that is significantly thicker than the upper portion of the front wall.

In contrast to the present invention, Vincent et al. discloses a through sole slot which breaks the upper surface of the sole but which is also rearwardly spaced from the rear cavity wall of the club head. As such, the thickness of the club head body varies significantly from the upper portion of the club head between the rear cavity wall and the upper portion of the front strike face, and the front slot wall of the through-sole slot and the lower portion of

the front strike face. This variation in thickness between the upper and lower portions of the body of the club head of Vincent et al. can negatively affect the performance and feel of the club head. The thicker lower portion of the club head body will be stiffer, have less deflection, and provide a different feel to the user when impacted by a ball, than the upper portion of the club head body.

Vincent et al. also does not disclose, teach or suggest a club head having a front wall, a sole portion, and a non-through sole portion recess downwardly extending into the sole portion. Rather, Vincent et al. discloses a slot beginning at the lower surface of the sole and upwardly extending into a portion of the sole (the first embodiment) or a slot extending through the entire thickness of the sole (the second and third embodiments). Vincent et al. does not disclose a non-through sole portion recess downwardly extending into the sole from the cavity. The slot of Vincent et al. has a significantly different configuration than the non-through sole portion and downwardly extending recess of the present invention.

Additionally, Vincent et al. also does not disclose, teach or suggest a club head having a front wall, and a sole portion, wherein a non-through sole portion recess downwardly extends into the sole and the sole portion includes a lower surface that is substantially entirely continuous. Further, the sole of the second and third embodiments of Vincent et al. is a two-piece non-continuous lower surface. The lower surface of the sole of the club head is interrupted and non-continuous due to the existence of the large through-sole slot upwardly extending into the sole from the lower surface of the sole. Vincent et al. discloses the addition of a second continuous sole piece, the cartridge sole, to fill the opening in the sole created by the slot. Vincent et al. does not disclose, teach or suggest a club head having a sole portion having a downwardly extending recess, and a lower surface that is substantially entirely continuous and uninterrupted by a slot or other aperture.

The one-piece continuous lower surface of the sole portion of the club head of the present invention formed without a through-sole slot, enables the club head to more easily

pass through a grass, dirt or sand playing surface. A discontinuous and interrupted lower sole surface can catch, or otherwise frictionally interact with, a playing surface and potentially negatively effect the path of club head though or along the playing surface.

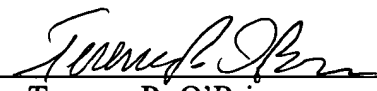
Accordingly, Applicants respectfully submit that independent claims 1 13 and 44 are patentable over Vincent et al., for at least the reasons stated above. Additionally, Applicants respectfully submit that claims 2-12, 14-18 and 45-50, which depend from independent claims 1, 13 and 44, respectively, are also patentable over Vincent et al. for at least the same reasons.

## 2. CONCLUSION

Applicants respectfully request reconsideration of claims 1-18 and 44-50 for the reasons stated above. Applicants believe that the present application is now in condition for allowance. Favorable reconsideration under 37 C.F.R. § 1.112 is respectfully requested. The Examiner is invited to telephone the undersigned at (847) 472-6104 to discuss any issues in this case in order to advance the prosecution thereof.

Respectfully submitted,

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